

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION

Plaintiff,

v.

GEMINI TRUST COMPANY, LLC

Defendant.

No. 22-cv-4563

Hon. Alvin K. Hellerstein

**STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULE
FOR OUTSTANDING PRE-TRIAL MATTERS**

WHEREAS, trial in this case is scheduled to begin on January 13, 2025;

WHEREAS, the Court has scheduled a final pre-trial conference for January 6, 2025;

WHEREAS, pursuant to the Court's Individual Rule 3(A), the parties' joint pre-trial order is due January 3, 2025;

WHEREAS, pursuant to the Court's Individual Rule 3(B)(v), the parties' motions *in limine* are due to be heard at the January 6, 2025 pre-trial conference;

WHEREAS, Gemini and the CFTC have conferred regarding a reasonable schedule;

NOW, THEREFORE, the parties hereby stipulate and agree to the following schedule for *Daubert* motions, motions *in limine*, and other outstanding pre-trial matters:

1. The parties shall file any *Daubert* motions by November 15, 2024. Oppositions to *Daubert* motions shall be filed by December 6, 2024.

2. The parties shall file motions *in limine* by November 15, 2024. The parties shall meet and confer to discuss whether any motions *in limine* can be resolved without additional briefing on November 20, 2024. Oppositions to any unresolved motions *in limine* shall be filed by December 6, 2024.

3. The parties shall exchange exhibit lists on December 13, 2024 and objections to exhibits by December 20, 2025.

4. The parties shall exchange initial deposition designations on December 13, 2024, counter-designations on December 18, 2024, and counter-counter designations on December 20, 2024.

5. The parties shall collaborate on the joint pre-trial order as follows:

- a. Gemini shall prepare marked copies of the pleadings and provide them to the CFTC by December 20, 2024.
- b. The parties shall exchange their proposed stipulations of fact and law on December 20, 2024.
- c. The CFTC shall prepare the statement on subject matter jurisdiction and provide a copy to Gemini by December 20, 2024.
- d. The CFTC shall draft the summary of claims to be tried, Gemini shall draft the summary of defenses to be tried, and the parties shall exchange their respective drafts by December 20, 2024.
- e. The CFTC shall prepare a jury trial statement and provide a draft to Gemini by December 20, 2024.
- f. The parties shall meet and confer on January 2, 2025, in an effort to resolve stipulations, objections to exhibit, and any other issues surrounding the final pre-trial order.

Dated: October 29, 2024

/s/ Daniel A. Schwartz

John F. Baughman
Daniel A. Schwartz
Elizabeth J. Lee
Ernest E. Butner IV

Baughman Kroup Bosse, PLLC
One Liberty Plaza, Floor 46
New York, NY 10006
(212) 548-3212

Attorneys for Gemini Trust Company, LLC

/s/ Andrew J. Rodgers

K. Brent Tomer, Chief Trial Attorney
Alejandra de Urioste, Chief Trial Attorney
Katherine Rasor, Trial Attorney
Andrew J. Rodgers, Trial Attorney
Diana Wang, Trial Attorney
Peter Janowski, Trial Attorney

Commodity Futures Trading Commission

Division of Enforcement
290 Broadway, Suite 600

New York, NY 10007
Phone: (646) 746-9700
Fax: (646) 746-9888

*Attorneys for the Commodity Futures
Trading Commission*

SO ORDERED.

Dated: _____, 2024

HON. ALVIN K. HELLERSTEIN
United States District Judge